

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 15.104 and 15.106, the Iowa Department of Economic Development amends Chapter 211, "Community Attraction and Tourism Development (CATD) Programs," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on August 12, 2009, as **ARC 8033B**. These amendments were also simultaneously Adopted and Filed Emergency as **ARC 8034B** on that same date.

The amendments incorporate recent legislative changes made by 2009 Iowa Acts, House File 822, that impact the committee structure within the Vision Iowa Board. Pursuant to 2009 Iowa Acts, House File 822, the Community Attraction and Tourism (CAT) Review Committee will continue to review CAT applications and the Vision Iowa Review Committee will evaluate and rank River Enhancement Community Attraction and Tourism (RECAT) applications. Pursuant to 2009 Iowa Acts, Senate File 336, an applicant for financial assistance under the CAT or RECAT program may apply to the Vision Iowa Board for a waiver of any local or private matching moneys required by the Board. These amendments establish a process by which the Vision Iowa Board will review requests to waive any local or private matching moneys.

A public hearing was held on September 3, 2009. No written or oral comments were received about the proposed amendments. At the September 8, 2009, Administrative Rules Review Committee meeting, there were two comments from Committee members about the amendments. The first commenter asked why the Department changed the definition of "river enhancement community attraction and tourism project." This definition was changed to incorporate the legislative revisions made by 2009 Iowa Acts, House File 822. The definition is identical to the language in House File 822. The second comment was about the definition of "good cause" in subrule 211.103(2). Some Committee members expressed concern about expanding the ability of the Vision Iowa Board to approve waivers in circumstances other than those related to applicants from a disaster area. The final amendments revised this subrule to limit its application only to waivers from applicants within a disaster area. Subrule 211.103(2) now reads as follows:

"211.103(2) Definition of 'good cause.' For purposes of this rule, 'good cause' includes only a proposed project that is located or plans to locate in an area declared a disaster area by the governor or by a federal official. To qualify for a waiver on the basis of a disaster area, an applicant shall meet all of the following criteria:

"a. The project must be located within an area declared a disaster area by the governor or by a federal official.

"b. The community must apply for the waiver within 24 months of the date of the disaster declaration.

"c. The community must document why a waiver is necessary as a result of the natural disaster."

The Iowa Economic Development Board adopted these amendments on September 17, 2009.

These amendments will become effective on November 11, 2009, at which time the Adopted and Filed Emergency amendments are hereby rescinded.

These amendments are intended to implement Iowa Code chapter 15F as amended by 2009 Iowa Acts, House File 822 and Senate File 336.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [211.2, 211.8, 211.9, 211.103] is being omitted. With the exception of the change noted above, these amendments are identical to those published under Notice as **ARC 8033B** and Adopted and Filed Emergency as **ARC 8034B**, IAB 8/12/09.

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